

CERTIFICATE OF TRANSMISSION/MAILING**PATENT**

Docket #0200528.0003

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On the Date of October 2, 2003

Margaret Ajitsingh
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard A. Brandt

Examiner: Mark S. Graham

Serial No.: 09/528,560

Art Unit: 3711

Filed: March 20, 2000

For: VIBRATION DAMPING STRIKING
IMPLEMENT

Attorney Docket: 0200528.0003

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A Final Office Action was mailed on June 26, 2003 in connection with the above-referenced application. In response thereto, Applicant filed a Notice of Appeal on August 21, 2003, and further requested a telephonic interview with the Examiner.

Applicant appreciates the courtesies extended to its representative during a telephonic interview between Applicant's attorney, Kimberley K. Weate, Reg. No. 37,762, and

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the Primary Examiner, Mark S. Graham, on September 12, 2003. During the interview, Applicant argued that the particular nature of the connection of the invention of the Application allowed the barrel to pull away from the handle as opposed to Filice's bat which does the opposite, and that this pulling apart action was important in providing the vibration damping characteristics sought. The Examiner stated that such an argument would appear to be persuasive and suggested that Applicant present it in more detail in a request for reconsideration. An agreement therefore was reached with respect to the claims. The comments and arguments set forth herein are substantially similar to and in accordance with those set forth during the interview.

Applicant, accordingly, requests reconsideration of the rejections in the Final Office Action of June 26, 2003 and requests that the Examiner accept the following: